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SUBJECT: U.S. NON-PAPERS ON MISSILE DEFENSE AND
NONPROLIFERATION IN PREPARATION FOR UNDER SECRETARY OF
STATE TAUSCHER'S MEETING WITH DEPUTY FOREIGN MINISTER
RYABKOV ON DECEMBER 7, 2009

¶1. This is an action request. See paragraph 2.

¶2. (SBU) ACTION REQUEST. Please provide the non-papers on missile defense and early warning cooperation at paragraph 3 and nonproliferation at paragraph 4 to Deputy Foreign Minister Ryabkov, in preparation for the December 7, 2009, meeting with U/S Tauscher in Moscow. Please advise DFM Ryabkov that these papers represent a list of missile defense and early warning cooperation and nonproliferation issues that we propose to address at the December 7 meeting, and that our suggestion would be to use these as the agenda for the meeting, and to plan to work our way through these issues one by one, and in each case decide how to proceed. Post is requested to provide confirmation of delivery and to report back to Washington any initial reactions.

¶3. (SBU) BEGIN TEXT OF U.S. MISSILE DEFENSE NON-PAPER:

U.S. Non-Paper
November 19, 2009

Missile Defense Goals for the U.S.-Russia
Arms Control and International Security Working Group

The United States offers the following non-paper to guide discussion of ballistic missile defense (BMD) and early warning cooperation efforts at the meeting of Under Secretary of State Tauscher and Deputy Foreign Minister Ryabkov scheduled for December 7, 2009, in Moscow.

Missile Defense Cooperation

- In their April 1, 2009, and July 6, 2009, Joint Statements, President Obama and President Medvedev endorsed the possibility of joint cooperation in the field of BMD.

- U.S. proposals for BMD cooperation involve a wide range of joint projects, operations, and activities:

- Data exchanges for the purposes of transparency, confidence-building, and predictability in the field of BMD;
- Joint BMD conceptual and architecture analyses;
- Joint BMD modeling/simulations/exercises;
- Joint sensor cooperation;
- This could include the Qabala radar in Azerbaijan, the Armavir radar in southern Russia, and U.S. sensors to monitor the Iranian missile program;
- Joint research & development;
- Joint BMD testing;
- Transparency and confidence-building measures such as visits to missile defense-related facilities and the observation of BMD flight-tests.

- Through the use of a Joint BMD Analysis using our latest modeling and simulation tools, and consistent with the "Phased, Adaptive Approach" to U.S. missile defense activities in Europe, we would like to explore options for working with Russia on a regional BMD architecture for the protection of Europe, the United States, and Russia against existing and near-term emerging ballistic missile threats.

- The NATO Summit Joint Declarations at Bucharest and Strasbourg-Kehl in 2008 and 2009, respectively, endorsed BMD cooperation between the United States and Russia, and reaffirmed NATO's "readiness to explore the potential for linking United States, NATO, and Russian missile defense systems" in the future.

- The U.S. proposal for a joint BMD architecture in Europe would involve exploring the possibility of linking the operations of U.S., NATO, and Russian missile defense interceptors, sensors, and command and control functions.

- The United States is also interested in exploring President Medvedev's reiteration of Russia's 2007 proposal to:

-- Jointly monitor emerging ballistic missile threats from the Middle East using the Russian-leased early warning radar at Qabala, Azerbaijan, as well as the early warning radar at Armavir in southern Russia.

- U.S. technical experts found the September 2007 Russian-hosted visit to Qabala extremely useful in evaluating Qabala's capabilities to monitor the threat from Iran and the Middle East.

- We re-affirm the interest of the United States in conducting expert-level technical talks to explore the details of Russia's Qabala/Armavir proposal.

- Ultimately, BMD cooperation could build a real strategic U.S.-Russia partnership involving operational military capabilities against the common danger and threat inherent in the proliferation of ballistic missiles of increasingly greater ranges, potentially equipped with weapons of mass destruction.

- Bilateral BMD cooperation could also leverage the scientific and technological strengths of both the United States and the Russian Federation to our mutual advantage.

- The United States reiterates its proposal of October 12, 2009, for a meeting of policy and technical experts in Colorado Springs to discuss proposals for BMD cooperation.

Joint Data Exchange Center/Pre-Launch Notification System

- Full implementation of the Joint Data Exchange Center (JDEC) and the Pre- and Post-Missile Launch Notification System (PLNS) agreements signed in 2000 require final resolution of the issues of liability and taxation, "rare exceptions" for ballistic missile launches, and reaching agreement on a Moscow site for the JDEC facility.

-- The United States provided a revised draft Joint Statement on Liability and Taxation (dated May 18, 2009) that accepted the Russian position that U.S. contractors not be given liability protections. On June 15, 2009, the United States provided a further revised draft Joint Statement to take account of other Russian points on both liability and taxation made at the May 28, 2009, meeting in Moscow. Both revised drafts were accompanied by explanatory non-papers.

-- If a legal experts meeting is still considered by Russia to be necessary to reach final agreement on the issues of liability and taxation, the United States proposes a meeting of legal experts in Washington, D.C. on January 28, 2010.

-- As part of its May 18, 2009, non-paper package, the United States provided a draft exchange of diplomatic notes to resolve the "rare exceptions" issue. Additionally, the U.S. transmitted a June 4, 2009 non-paper entitled "Rare Exceptions for Ballistic Missile Launches," which was

provided in response to Russia's request that the United States provide the rationale for "rare exceptions" in writing.

-- The United States also provided a non-paper on "The Mutual Benefits of a U.S.-Russia Joint Data Exchange Center" to Russia on October 12, 2009, in Moscow. We continue to believe that JDEC is still relevant to stability, especially due to the proliferation of ballistic missiles and space launch vehicles worldwide.

-- On the basis of the visit of a U.S. Delegation of security experts in August 2008 to brief the U.S. post-9/11 physical site security requirements for the JDEC facility, the United States hopes that Russia will in the near future host a delegation of U.S. experts in order to evaluate prospective JDEC facility sites.

- In its May 18, 2009, non-paper, the United States made several proposals for moving forward with implementation of the JDEC and the PLNS agreements, including:

-- Signing an extension of the JDEC and PLNS agreements before their expirations on June 4, 2010, and December 16, 2010, respectively. The United States provided draft extension agreements to Russia on October 12, 2009, in Moscow.

-- Establishing the bilateral JDEC Joint Commission responsible under the JDEC Memorandum of Agreement with oversight of its implementation.

-- Establishing an "interim" PLNS arrangement for providing ballistic missile and space launch vehicle notifications pursuant to the PLNS Memorandum of Understanding, prior to the JDEC facility becoming operational.

- The United States is of the view that forward movement on implementation of the JDEC and PLNS agreements) as proposed above) should not be tied to other issues such as progress in the Joint Threat Assessment or the dialogue in regard to the U.S. "Phased, Adaptive Approach" to BMD in Europe.

-- Since the JDEC and PLNS agreements encompass important transparency and confidence-building measures, and are not a form of missile defense cooperation, progress in implementing these agreements should not be linked to our dialogue on missile defense.

Moscow-Washington Direct Communications Link

- In 2006, the United States tabled a proposal for negotiating a pre-formatted notification message for the launch of long-range ground-based BMD interceptors that would be transmitted over the Moscow-Washington Direct Communications Link (DCL), or "Hotline."

- This time-urgent notification message would constitute a transparency and confidence-building measure designed to prevent a false warning of attack being generated by either country's early warning system.

- In a February 21, 2007, Aide Memoire, Russia stated that the U.S. proposal is "consistent with the spirit of the 1971 Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War."

- On October 12, 2009, in Moscow, the United States provided a non-paper proposing that U.S. and Russian technical experts schedule a meeting in November in Moscow to negotiate, and agree upon, a pre-formatted notification message.

- Since meeting in November is no longer a viable option, the United States wishes to propose a meeting of DCL experts on January 21, 2010, in Moscow. We look forward to Russia's positive response.

Joint Threat Assessment

- Our Presidents have both committed to establish the U.S.-Russia Joint Ballistic Missile Threat Assessment Working Group to assess the ballistic missile threat jointly.

- From our perspective, this working group is intended to provide a meaningful and long-term consultative process

dedicated to strengthening our mutual understanding of the existing and emerging challenges, risks, and dangers posed by the spread of ballistic missiles of increasingly greater ranges, payloads, lethality, and sophistication.

- The regular exchange of useful intelligence and our respective threat assessments will provide a better understanding of each other's perspectives and perhaps bring about a narrowing of differences, if not a convergence, regarding threats to the security of the United States, the Russian Federation, and Europe.

- Ultimately, it is our hope that such a shared perspective of the ballistic missile threats we face will inform how we can best work together to address these threats bilaterally and multilaterally, and to defend against them when necessary.

- In early November, the U.S. Embassy in Moscow relayed Washington's proposal to hold the JTA Working Group on either December 21, 22, or 23, in Washington, D.C. Once again, we look forward to receiving Moscow's response.

END TEXT OF U.S. MISSILE DEFENSE NON-PAPER.

¶4. (SBU) BEGIN TEXT OF U.S. NONPROLIFERATION NON-PAPER

U.S. Non-Paper

November 19, 2009

Key Issues for the NPT Review Conference (RevCon)

Middle East: U.S. bilateral consultations, the results of the IAEA General Conference meeting, and the recently concluded session of the UNGA First Committee all indicate that Egypt and other Arab states continue to stress, almost to the exclusion of other matters, the need for progress on the 1995 RevCon's Resolution on the Middle East. The P-5 should make clear that we fully support all of the Resolution's objectives, and will work with all states toward implementing those objectives at the earliest possible date. It should be noted, however, that a Middle East free of weapons of mass destruction will not be achieved overnight, and can be achieved only in the context of progress towards a comprehensive peace in the Middle East. It remains unclear what actions the Arab states would consider concrete progress toward achieving the 1995 Resolution. The P-5 should indicate that they are ready to address achievement of the 1995 Resolution, but emphasize that NPT Parties should not allow this one item to distract us from our goal of a successful RevCon that provides balanced treatment of the three pillars of the NPT (nonproliferation, disarmament, and peaceful uses).

Article VI*Disarmament: Assuming that the post-START agreement is finished on time, the Administration intends to begin the ratification process (and we assume the Russian side will as well) by the time of the RevCon. The P-5 should work before the RevCon convenes to encourage additional ratifications of the Comprehensive Nuclear Test-Ban Treaty and the start of negotiations next January in the Geneva Conference on Disarmament on a verifiable Fissile Material Cutoff Treaty. The United States and Russia in particular have a good story to tell on disarmament at this RevCon, but we can expect pressure to limit the roles of nuclear weapons, to grant legally binding negative security assurances, for negotiations on a nuclear weapons convention, and to eliminate nuclear weapons. In addition to making clear the progress that is already being made, the P-5 should be united in stressing that all states share responsibility for creating conditions for a world without nuclear weapons. The P-5 should consider whether additional undertakings (such as committing to make regular reports on implementation of Article VI) would help secure support at the RevCon for the nonproliferation outcomes that we favor.

Nonproliferation: The P-5 should work for a reaffirmation at

the RevCon of the fundamental importance of full compliance with the NPT, and a recognition that noncompliance undermines the integrity of the Treaty. We also should seek commitments to ensure that the IAEA has the resources and legal authorities necessary for it to verify whether states are in compliance with their nonproliferation obligations. The P-5 in addition should also support the proposition that a comprehensive safeguards agreement, together with an Additional Protocol, should constitute the minimum international verification standard.

Peaceful Uses of Nuclear Energy: The attitudes of the Non-Aligned Movement (NAM) states will be key to success at this RevCon, and many of them see access to peaceful uses as their key interest. The P-5 should be prepared to reaffirm the right of all NPT Parties to pursue peaceful uses in conformity with the Treaty's nonproliferation obligations. In addition to seeking a commitment to enhancing the IAEA's verification resources, we should be prepared to make a commitment to help develop the human resources and infrastructure for advancing peaceful applications of nuclear energy. We should also strive to secure recognition that a country can enjoy the benefits of peaceful uses of nuclear energy without possessing the most sensitive nuclear technologies, and the RevCon should encourage the work of the IAEA on multilateral approaches to the nuclear fuel cycle. To this end, the U.S. has endorsed Russia's proposal for a nuclear fuel bank at Angarsk.

Abuse of the NPT's Withdrawal Provision: We believe that it is very important for the RevCon to address this problem and possible solutions. This should include an affirmation of the sovereign right to withdraw in conformity with Article X, but also the recognition that abuse of this right could pose a grave threat to the international nuclear nonproliferation regime. The RevCon also should affirm that any NPT Party withdrawing from the Treaty prior to remedying a violation remains accountable for that violation. For example, NPT parties could urge the IAEA to advise on the applicable safeguards in the event of an NPT withdrawal. A violation of any remaining safeguards agreement would still be subject to a finding by the IAEA Board of Governors of safeguards noncompliance that would be reported to the UN Security Council, which in turn could decide to place sanctions on that state. The RevCon additionally could agree on measures that could be taken up bilaterally or in other forums, such as the UN Security Council and the IAEA, or at least develop ideas that could be explored further within the NPT review process.

We look forward to the P-5 discussion of these issues in Geneva and a draft P5 RevCon statement in advance of the Tauscher-Ryabkov meeting.

END TEXT OF U.S. NONPROLIFERATION NON-PAPER.
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